

## **REMARKS**

Claims 1-24 are pending.

Claim 18 has been amended to correct its dependency. No new matter is added by this amendment.

The Brief Description of the Drawings has been amended to recite the fragments of AAV-1, AAV-2 and AAV-6 ITRs illustrated in Fig. 2 and Fig. 3B. No new matter is added by this amendment.

No new matter is provided by this amendment.

### **I. Election**

Applicants have elected the subject matter of Group III, which is drawn to a nucleic acid molecule encoding AAV-1 helper functions and molecule comprising an AAV rep coding region and an AAV cap coding region. The examiner indicates that the claims in this group are claims 3, 10 and 12. Applicants request that claim 11 be included in this group, as it relates to a recombinant host cell expressing the nucleic acid sequences of the rep coding region.

The examiner indicates that inventions III and V are related as product and process of use. Applicants reserve the right to request rejoinder of these groups.

### **II. Compliance with Requirements for Patent Applications Containing Nucleotide Sequence Disclosures**

The Brief Description of the Drawings has been amended to recite the fragments of AAV-1, AAV-2 and AAV-6 ITRs illustrated in Fig. 2 and Fig. 3B. No new matter is added by this amendment.

The sequences of AAV-1 are provided in SEQ ID NO:1, the sequences of AAV-2 are provided in SEQ ID NO:18 and the sequences of AAV-6 are provided in SEQ ID NO:19. Accordingly, only the nucleotide numbers of the fragments appearing in Fig. 2 and Fig. 3B need to be included in the brief description of the drawings.

Application No. 10/696,282  
Response to Office Action dated 05/27/2005  
Page 9 of 9

No new matter is added by this amendment.

Applicants respectfully request reconsideration and withdrawal of this amendment.

The Director of the US Patent and Trademark Office is hereby authorized to charge any fee due to Deposit Account 08-3040.

Respectfully submitted,

HOWSON AND HOWSON  
Attorneys for Applicants

By Cathy A. Kodoroff  
Cathy A. Kodoroff  
Registration No. 33,980  
Spring House Corporate Center  
Box 457  
Spring House, PA 19477  
Phone: (215) 540-9210  
Fax: (215) 540-5818